



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
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October 30, 2002

Certified Mail
Return Receipt Requested

Letter of Deficiency
No. WMD 02-47

William T. Dickinson
44 Miclon Road
Campton, NH 03223

Re: SWC 00-049; 44 Miclon Road, Campton, NH

Dear Mr. Dickinson

On November 13, 2000, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of your property located at 44 Miclon Road, Campton, NH ("Site"). The purpose of the inspection was to determine your compliance status with RSA 147-A, RSA 149-M, and rules adopted pursuant thereto relative to the proper management of hazardous waste and solid waste. DES personnel also conducted follow-up inspections at the Site on December 22, 2000, October 31, 2001, January 14, 2002, and October 23, 2002.

As a result of the November 13, 2000 inspection, the following Deficiencies were noted:

1. DES personnel observed solid waste consisting of scrap metal, junk vehicles, refrigerators, approximately 200 scrap tires, and painted wood. RSA 149-M:9, II prohibits the disposal of solid waste at any facility other than an approved facility. RSA 149-M:9, I also prohibits operation of a solid waste facility without a permit. The Site is not permitted to accept solid waste.
2. The scrap tires observed by DES personnel did not conform to the required tire pile size prior to disposal in accordance with Env-Wm 2605.02.
3. DES personnel observed two unlabeled 5-gallon containers of used oil. Env-Wm 807.06(b)(4) requires that containers of used oil be clearly labeled with the words "Used Oil for Recycle".

During the December 12, 2000 follow-up inspection, DES personnel observed that some of the scrap tires had been removed. DES personnel observed no other changes at the Site since the November 13, 2000 inspection.

During the October 31, 2001 follow-up inspection, DES personnel observed no change in the conditions at the Site since the December 12, 2000 inspection. DES observed one open, unlabeled 5-gallon pail of used oil. Env-Wm 807.06(b)(5) requires that all containers of used oil be closed and sealed at all times except when used oil is being added to or removed from the container.

During the October 31, 2001 inspection, DES personnel issued a Report of Initial Complaint Investigation ("RICI") to William Dickinson instructing him to cease transporting solid waste to an unpermitted facility, cease operating an unpermitted solid waste facility, remove all solid waste located at the Site to a permitted solid waste facility, store scrap tires in accordance with the New Hampshire Solid Waste Rules or properly dispose of the scrap tires, seal all containers of used oil, and label all containers of used oil with the words "Used Oil for Recycle".

During the January 14, 2002 follow-up inspection, DES personnel observed that the painted wood had been removed from the Site and that the containers of used oil were labeled. DES personnel observed no other changes to the Site since the October 31, 2001 inspection.

During the October 23, 2002 inspection, DES personnel observed that some of the junk vehicles had been removed. DES personnel observed no other changes to the Site since the January 14, 2002 inspection.

DES believes that the cited deficiencies can be corrected by completing the following requested remedial actions within the time indicated:

- Immediately** cease operating an unpermitted solid waste facility.
- 2. Immediately** cease disposing of solid waste to an unpermitted solid waste facility.
- 3.** Remove all solid waste at the Site, specifically scrap metal and refrigerators, **by December 2, 2002**, to a solid waste facility permitted to handle such wastes.
- 4. By December 2, 2002**, store all scrap tires on Site in accordance with Env-Wm 2605.02(b) or dispose of scrap tires at a permitted solid waste facility. A copy of this regulation is enclosed for your reference.
- 5. By December 9, 2002**, submit to DES written confirmation that these steps have been completed, including **copies of all disposal receipts** for the solid waste, at the address below.


Please address all correspondence and reports regarding this matter to

Michael Galuszka
NHDES
80 Glen Road
Gorham, NH 03581

In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against you, including issuing an order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violation(s) noted above.

Your prompt cooperation is appreciated. Please contact Michael Galuszka at (603) 466-5389 if you have any questions or need further assistance.

Sincerely,


Kenneth W. Marschner
Administrator
Waste Management Programs

Certified Mail RRR#: 7000 1670 0000 0584 4004

CC: DB/Town/File
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, DES Legal Unit
Town Clerk, Campton, NH